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ORACLE AMERICA, INC.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 ORACLE AMERICA, INC.
24 Plaintiff,
25 v.
26 GOOGLE INC.
27 Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF PETER A. BICKS
IN SUPPORT OF ORACLE'S MOTION
TO DISQUALIFY THE RULE 706
EXPERT**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, Peter A. Bicks, declare and state as follows:

2 1. I am a partner with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),
3 attorneys of record for plaintiff Oracle America, Inc. (“Oracle”). I am a member of the bar of the
4 State of New York and have been admitted *pro hac vice* in this action. I am familiar with the
5 events, pleadings and discovery in this action and, if called upon as a witness, I could and would
6 testify competently to the matters stated herein of my own personal knowledge.

7 2. I submit this declaration in support of Oracle’s Motion to Disqualify the Rule 706
8 Expert.

9 3. On September 10, 2015, Oracle submitted to this Court Dr. James Kearl’s trial
10 testimony in *Apple v. Samsung*, 12-CV-00630-LHK (N.D. Cal.) See ECF 1311-10, 1311-11.

11 4. Attached as **Exhibit 1** is a true and correct copy of the April 1, 2014 trial transcript
12 from *Apple v. Samsung*. This transcript includes the opening statements from Apple and
13 Samsung.

14 5. Attached as **Exhibit 2** is a true and correct copy of Exhibit 3010 in *Apple v.*
15 *Samsung*. It is ECF 1920 in that case. This exhibit includes a transcript of a video deposition of
16 James Maccoun.

17 6. Attached as **Exhibit 3** is a true and correct copy of an excerpt of the April 22,
18 2014 trial transcript from *Apple v. Samsung*. This excerpt indicates when James Maccoun’s
19 videotaped deposition was played to the jury.

20 7. Attached as **Exhibit 4** is a true and correct copy of the April 29, 2014 trial
21 transcript from *Apple v. Samsung*. This transcript includes the closing arguments from Apple and
22 Samsung.

23 8. Attached as **Exhibit 5** is a true and correct copy of excerpts from the Corrected
24 Expert Report of Dr. James R. Kearl in *Apple v. Samsung* as produced by Quinn Emanuel.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed this 15th day of October, 2015, at New York, New York.
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6 /s/ Peter A. Bicks

7 Peter A. Bicks
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